

October 5, 2006

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Request of WCS Coalition for Limited Extension of Deadline for Establishing Compliance with Section 27.14 Substantial Service Requirement - WT Docket No. 06-102*

NOTICE OF ORAL EX PARTE COMMUNICATION

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am writing to advise the Commission that yesterday Sidharth Ganju of BellSouth Corporation, George Alex of Nextwave Broadband Inc. and the undersigned met with Angela E. Giancarlo, Legal Advisor to Commissioner Robert M. McDowell, at the Wireless Communications Association International's Carrier and Enterprise Leadership Briefing to discuss the request of the WCS Coalition for a limited extension of the deadline for 2.3 GHz band Wireless Communications Service ("WCS") licensees to comply with the substantial service requirement of Section 27.14 of the Commission's Rules.

At the meeting, the positions set forth in the WCS Coalition's Request and its Reply Comments in WT Docket No. 06-102 were reiterated.¹ The WCS Coalition emphasized the need for a prompt decision, as licensees are beginning to spend significant sums to assure that they will be able to construct facilities that comply with Section 27.14 by the current July 21, 2007 deadline. It was stressed that although most licensees desire to deploy WiMAX and other advanced wireless services for which equipment will be available shortly, absent a decision soon licensees will be irrevocably committed to constructing sub-optimal facilities that will meet the substantial service requirement, but will not make the best use of the spectrum. The participants also discussed the history of the Commission's consideration of Digital Audio Radio Service ("DARS") terrestrial repeaters, the adverse impact that the failure to establish rules governing

¹ See *Public Notice*, "Wireless Telecommunications Bureau Seeks Comment on Consolidated Request by the WCS Coalition for Waiver of [WCS] Construction Rule," DA 06-1009 (rel. May 10, 2006). See Also Reply Comments of WCS Coalition, WT Docket No. 06-102 (filed June 23, 2006).

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those repeaters has had on WCS utilization, and the implications of XM Radio Inc.'s recent admission that it has been operating over two hundred terrestrial repeaters unlawfully.

Should you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

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Counsel for the WCS Coalition

cc: Angela E. Giancarlo